

PATENT  
P56258**REMARKS**

The final Office action of 03 July 2008 (Paper No. 011-02) has been carefully considered. Re-examination and reconsideration are respectfully requested.

**Status of the Claims**

Upon entry of this Paper, claims 25 through 31 will be pending.

**Listing of the Claims**

Pursuant to 37 CFR §121(c), the claim listing, including the text of the claims, will serve to replace all prior versions of the claims, in the application.

**Rejection of Claims under 35 U.S.C. §112**

1. **Claims 25, 28, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In support of this rejection, Paper No. 011 wrote:

- "a. **Claims 25, 28, and 30 include the limitation "...station has been registered..."** as recited in line(s) 8 & 13-14 of claim 25. The applicant is advised to review the subject matter of the specification (see pg. 10, line(s) 3-4), which clearly states *...MS 24, is registered...*; specification (see pg. 12, line(s) 1-4), which clearly states *...stations registered in the private...*; specification (see paragraph bridging pgs. 15- 16), which clearly states *...is registered to be able to use....* The Examiner requests clarification as to whether the claim language " **...has been...**" implies that the station is currently registered OR is currently not registered?
- b. **Claims 25, 28, and 30 include the limitation " ...station has not been registered..."** as recited in line(s) 13-14 of claim 25. The applicant is advised to review the subject matter of the specification (see pg. 10, line(s) 6), which clearly states *...MS 24, is not registered....* Furthermore, the claim language " **...has not been...**" is a contradiction of the claim language " **...has been...**". The Examiner requests clarification on the transition from " **...has been...**" to " **...has not been...**". Does the claim language describe two separate methods that are being combined and overlapped together? Are the claims describing

PATENT  
P56258

different methods for two different mobile stations.

Regarding **claims 25, 28, and 30**, the claims recite language that is not clear and concise in which the Examiner respectfully request the applicant to clarify the claims. Applicant is advised to clearly and concisely provide claim language that is consistent and correlates to the specification and mindful not to improperly utilized language that is clearly not supported. If the applicant considers the current language to be sufficient, the Examiner respectfully requests page(s), line(s), and/or drawing(s) of the instant application that supports the claim language and any supportive comment(s) to help clarify and resolve this issue(s)."

In response to the Examiner's request for clarification, Applicant notes that nothing in the language of claims 25, 28 or 30 states that a condition exists where "has been" is used to define the condition as not currently existing. Rather, the issue raised by Paper No. 011 is a tautology, and without significance in a determination of indefiniteness under the second paragraph of 35 U.S.C. §112, because the step of "determining whether the mobile station has been registered ..." must necessarily occur subsequent to a registration of the mobile station, unless the step of "determining whether the mobile station is registered ..." could be performed simultaneously with the step of registering the mobile station. The differences in the durations required for the practical performance of these steps suggest that simultaneous performance is not likely. The administrative record of this examination is singularly devoid of evidence of the simultaneous performance of these steps. The Examiner is kindly invited to consider that there is no authority present in the administrative record of this examination that would justify an interpretation of the phrase "has been" as having ambiguous meanings of "is" and "is not." Applicant respectfully submits that no such authority exists. Consequently, Applicant's syntax of "has been" in the third and the penultimate paragraphs, and "has not been" in the final paragraph, are grammatically correct, precise, and free of indefiniteness under the second paragraph of 35 U.S.C. §112.

Moreover, Paper No. 011 fails to justify this rejection by identifying language of claims 25, 28 or 30 which states that the registration of the mobile station prior to performing

PATENT  
P56258

the step of “determining whether the mobile station has been registered ...” is synonymous with a step of changing the state of the mobile station from a condition of having been registered to a condition of not being registered at the time of performing the step of “determining whether the mobile station has been registered ...” Limitations which render a claim inoperative should not be read into a claim under the guise of justifying an assertion of indefiniteness under the second paragraph of 35 U.S.C. §112. Accordingly, this rejection is improper, and should not be sustained.

Furthermore, the unusual nature and rationale given in Paper No. 011 for this rejection is a cause for concern, because the sequential nature of the steps of registration of the mobile station and the making of the determination of whether registration has occurred, are inescapable, and are not denied by the administrative record of this examination. The rationale given in Paper No. 011 is neither a “reasonable” interpretation nor a “broadest possible” interpretation of the language of these claims because, amount other deficiencies, this interpretations seeks to interpret “has been” as a negative, namely ‘is not,’ a meaning that is diametrically contrary to the meaning of “has been”. For the Office, at this stage of the examination to make this rejection, is to deny this sequence in the process steps, a denial that is also unsupported by the administrative record. Accordingly, withdrawal of this rejection is respectfully urged.

PATENT  
P56258**Rejection of Claims under 35 U.S.C. §103**

1. **Rejection of Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buttitta et al. (hereinafter Buttitta) (US 5,913,166) in view of Bartle et al. (hereinafter Bartle) (US 6,018,655) and Khan et al. (hereinafter Khan) (US 5,926,760).**

Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buttitta et al. (hereinafter Buttitta) (US 5,913,166) in view of Bartle et al. (hereinafter Bartle) (US 6,018,655) and Khan et al. (hereinafter Khan) (US 5,926,760).

In support of this rejection, Paper No. 011 wrote:

“ Regarding **claim 25**, Buttitta discloses a method of generating an alarm on an occurrence of a cell secession of a mobile station (10) located within a common cell area of a public and private radio mobile communication system (see col. 7, lines 15-18; Fig. 1), where the private base station provides private and public communication, the method comprising:

receiving power-related information transmitted from the mobile station (10) during a call and detecting information about the quality from the received information (see col. 7, lines 15-18,25-34,42-44);

comparing the quality information with a power control parameter value of the system (see col. 7, lines 15-18,42-44);

determining whether the mobile station (10) has been registered in the private wireless communication service system to facilitate the mobile station to use the private radio communication system upon a determination that a power level of the mobile station (10) is less than a predetermined reference power level (see col. 4, lines 22-31; col. 7, lines 12-23,42-44);

transmitting information for generating an alarm on an occurrence of a cell secession to the corresponding mobile station (10) upon a determination that the mobile station (10) has been registered in the private radio mobile communication system (see col. 4, lines 22-31; col. 7, lines 12-23,42-44), where the mobile station is able to communicate with the private base station and the public base station in which the mobile station is able to roam (or handoff) between the private and public systems (see col. 3, lines 32-43); and

handing off the corresponding mobile station (e.g., 10) call to another cell upon a determination that the mobile station (10) has not been registered in the private radio mobile communication system (see col. 7, lines 12-23,25-34,42-44), where the private base station (20)

PATENT  
P56258

sends the warning tone to a registered (or connected) mobile station (10). When the mobile station (10) connects with the cellular system, the mobile station (10) is not registered (or connected) with the private base station. Remote party (mobile station - not shown) is located in the cellular system (see col. 4, lines 1-10). Buttitta does not specifically disclose having the features detecting information about the frame quality; comparing the frame quality information with a power control parameter value of the system. However, the examiner maintains that the features detecting information about the frame quality; comparing the frame quality information with a power control parameter value of the system; mobile station has not been registered in the private radio mobile communication system was well known in the art, as taught by Bartle.

In the same field of endeavor, Bartle discloses the features detecting information about the frame quality (see col. 1, lines 54-67; col. 2, lines 17-23; Figs. 2-3);

comparing the frame quality information with a power control parameter value of the system (see col. 1, lines 54-67; col. 2, lines 17-23; Figs. 2-3). As a note, Bartle at the least further discloses the feature(s) transmitting information for generating an alarm on an occurrence of a cell secession to the corresponding mobile station upon a determination that the mobile station is registered in the private radio mobile communication system (see col. 1, lines 54-67; col. 2, lines 40-50; col. 10, lines 51-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Buttitta and Bartle to have the features detecting information about the frame quality; comparing the frame quality information with a power control parameter value of the system, in order to notify a digital cellular telephone user of an imminent communication disconnection, as taught by Bartle (see col. 2, lines 6-9). The combination of Buttitta and Bartle inexplicitly discloses the feature(s) mobile station has not been registered in the private radio mobile communication system. However, the examiner maintains that the feature(s) mobile station has not been registered in the private radio mobile communication system was well known in the art, as taught by Khan.

As further support in the same field of endeavor, Khan at the least discloses the feature(s) mobile station has not been registered in the private radio mobile communication system (see col. 7, lines 48-54). As a note, Khan further discloses the feature(s) mobile station has been registered in the private wireless service system (see col. 7,

PATENT  
P56258

lines 48-54,58-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Buttitta and Bartle with Khan to have the feature(s) mobile station has not been registered in the private radio mobile communication system, in order to have a system in which a private base station supports registering of multiple mobile stations, as taught by Khan (see col. 1, lines 48-52)."

### **Claim 25**

Applicant respectfully traverses this rejection for the following reasons.

Applicant's claim 25, however, defines a method in terms of:

- receiving power-related information transmitted from the mobile station during a call and detecting information about the frame quality from the received information;

- comparing the frame quality information with a power control parameter value of the system;

- determining whether the mobile station has been registered in the private wireless communication service system to facilitate the mobile station to use the private radio communication system upon a determination that a power level of the mobile station is less than a predetermined reference power level;

- transmitting information for generating an alarm on an occurrence of a cell secession to the corresponding mobile station upon a determination that the mobile station has been registered in the private radio mobile communication system; and

- handing off the corresponding mobile station call to another cell upon a determination that the mobile station has not been registered in the private radio mobile communication system.

First, respectfully, in section 2 on page 5 of the Office action, the Examiner alleges that in the proposed combination of Buttitta, "When the mobile station (10) connects with the cellular system, the mobile station (10) is not registered (or connected) with the private base station." Applicant's pending claim 25 however, advantageously enables a network to hand off a call to another cell when the mobile station is not registered in the private radio mobile communication system. On the contrary, based on Buttitta '166, the Examiner's proposed combination will hand off a call to another cell when the mobile station

PATENT  
P56258

is registered in the private radio mobile communication system. Buttitta '166 discloses no mention of Applicant's "the mobile station is not registered with the private base station". In addition, Bartle '655 and Khan '760 disclose no mention of Applicant's "the mobile station is not registered with the private base station". Therefore, the combination of Buttitta '166 and Bartle '655 and Khan '760 disclose no mention of Applicant's "the mobile station is not registered with the private base station". Consequently, the Examiner's proposed combination fails to make a prima facie showing of obviousness under 35 U.S.C. §103a.

Secondly, respectfully, the Examiner confuses Applicant's handoff with reference's handoff. In Applicant's pending claim 25, a handoff occur when the mobile station is not registered with the private base station. Based on Buttitta '166's FIG. 2, a handoff occur when the PBS(Private Base Station) detects low signal strength from the MS(Mobile Station). In addition, based on Bartle '655's FIG. 2, a handoff occur when the received signal strength indication has fallen below the predefined low received signal strength indication. Besides, Khan '760 disclose no mention of handoff.

Thirdly, respectfully, the Examiner confuses Applicant's private/public radio mobile communication system with Buttitta '166's private wireless system. In Applicant's specification, if a mobile station is registered in the private/public radio mobile communication system, the mobile station can receive not only the public mobile communication service but also the private mobile communication service. If a mobile station is not registered in the private/public radio mobile communication system, the mobile station can receive only the private wireless system. Based on Buttitta '166, a mobile station is registered in the private wireless system, the mobile station can receive only the private wireless system. More specifically, Buttitta '166's mobile station can not receive both private wireless service and public wireless service. In addition, Bartle '655 and Khan '760 disclose no mention of Applicant's private/public radio mobile communication system. Therefore, the combination of Buttitta '166 and Bartle '655 and Khan '760 disclose no

PATENT  
P56258

mention of Applicant's private/public radio mobile communication system. As said in Applicant's specification, see line 4-6, page 16:

"Moreover, if a mobile station, such as the MS 24, is registered in the public/private communication service unit 12 to receive the private mobile communication service, the MS 24 can receive not only the public mobile communication service but also the private mobile communication service, as well. However, if a mobile station, such as the MS 24, is not registered in the public/private communication service unit 12, the MS 24 can receive only the public mobile communication service."

According to the Manual of Patent Examining Procedure (MPEP) §2131,

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In summary, Buttitta '166, Bartle '655' BTS and Khan '760 fail to teach or suggest Applicant's "handing off the corresponding mobile station call to another cell upon a determination that the mobile station is not registered in the private radio mobile communication system" and "private/public radio mobile communication system" in claim 25. Therefore, Buttitta '166, Bartle '655' BTS and Khan '760 fail to teach or suggest all of the element as set forth in claim 25. Consequently, Applicant submits that claim 25 is patentably distinguishable over the prior art. The Examiner is respectfully urged to reconsider, and to withdraw this rejection.

In support of this rejection, Paper No. 011 also wrote:

" Regarding **claim 28**, Buttitta discloses a method comprising: receiving in a base station of a public and private radio mobile communication system a power control parameter of a mobile station located within a common cell area of the public and private radio mobile communication system from a base station controller of the mobile communication system (see col. 7, lines 15-18; Fig. 1), where the private base station provides private and public communication;



PATENT  
P56258

receiving power-related information in the base station during a call, the power-related information being related to a received power level of the base station at the mobile station and being generated and transmitted from the mobile station to the base station (see col. 7, lines 15-18, 25-34, 42-44);

the base station detecting information as to a quality (e.g., RSSI) by determining a rate (e.g., RSSI) from the received power-related information (see col. 7, lines 15-18, 42-44);

comparing the determined forward rate (e.g., RSSI) with a value corresponding to the power control parameter received from the corresponding base station controller to provide a determined power level of the mobile station (see col. 7, lines 15-18, 42-44);

determining when the determined power level of the mobile station decreases below a predetermined reference power level indicating that the mobile station has seceded from a selected cell of the mobile communication system (see col. 7, lines 12-23, 42-44);

determining whether the mobile station has been registered in the private radio mobile communication system to facilitate the mobile station to use the private radio communication system when the determined power level of the mobile station is less than the predetermined reference power level (see col. 4, lines 22-31; col. 7, lines 12-23, 42-44);

transmitting information for generating an alarm on an occurrence of a cell secession to the corresponding mobile station upon a determination that the mobile station has been registered in the private radio mobile communication system (see col. 4, lines 22-31; col. 7, lines 12-23, 42-44), where the mobile station is able to communicate with the private base station and the public base station in which the mobile station is able to roam (or hand-off) between the private and public systems (see col. 3, lines 32-43); and

handing off the corresponding mobile station call to another cell upon a determination that the mobile station has not been registered in the private radio mobile communication system (see col. 7, lines 12-23, 25-34, 42-44), where the private base station (20) sends the warning tone to a registered (or connected) mobile station (10). When the mobile station (10) connects with the cellular system, the mobile station (10) is not registered (or connected) with the private base station. Remote party (mobile station - not shown) is located in the cellular system (see col. 4, lines 1-10). Buttitia does not specifically disclose having the features detecting information as to a frame quality by determining a forward frame error rate; comparing the determined

PATENT  
P56258

forward frame error rate with a value corresponding to the power control parameter. However, the examiner maintains that the features detecting information as to a frame quality by determining a forward frame error rate; comparing the determined forward frame error rate with a value corresponding to the power control parameter was well known in the art, as taught by Bartle.

Bartle further discloses the features detecting information as to a frame quality by determining a forward frame error rate (see col. 1, lines 54-67; col. 2, lines 17-23; Figs. 2-3);

comparing the determined forward frame error rate with a value corresponding to the power control parameter (see col. 1, lines 54-67; col. 2, lines 17-23; Figs. 2-3). As a note, Bartle at the least further discloses the feature(s) a transmitter adapted to transmit cell secession alarm information for generating an alarm on an occurrence of a cell secession to the corresponding mobile station upon a determination that the mobile station is registered in the private radio mobile communication system (see col. 1, lines 54-67; col. 2, lines 40-50; col. 10, lines 51-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Buttitta and Bartle to have the features detecting information as to a frame quality by determining a forward frame error rate; comparing the determined forward frame error rate with a value corresponding to the power control parameter, in order to notify a digital cellular telephone user of an imminent communication disconnection, as taught by Bartle (see col. 2, lines 6-9). The combination of Buttitta and Bartle inexplicitly discloses the feature(s) mobile station has not been registered in the private radio mobile communication system. However, the examiner maintains that the feature(s) mobile station has not been registered in the private radio mobile communication system was well known in the art, as taught by Khan.

As further support in the same field of endeavor, Khan at the least discloses the feature(s) mobile station has not been registered in the private radio mobile communication system (see col. 7, lines 48-54). As a note, Khan further discloses the feature(s) mobile station has been registered in the private wireless service system (see col. 7, lines 48-54, 58-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Buttitta and Bartle with Khan to have the feature(s) mobile station has not been registered in the private radio mobile communication

PATENT  
P56258

system, in order to have a system in which a private base station supports registering of multiple mobile stations, as taught by Khan (see col. 1, lines 48-52)."

**Claim 28**

Applicant's claim 28, however, defines a method in terms of:

receiving in a base station of a public and private radio mobile communication system a power control parameter of a mobile station located within a common cell area of the public and private radio mobile communication system from a base station controller of the mobile communication system;

receiving power-related information in the base station during a call, the power-related information being related to a received power level of the base station at the mobile station and being generated and transmitted from the mobile station to the base station;

the base station detecting information as to a frame quality by determining a forward frame error rate from the received power-related information;

comparing the determined forward frame error rate with a value corresponding to the power control parameter received from the corresponding base station controller to provide a determined power level of the mobile station;

determining when the determined power level of the mobile station decreases below a predetermined reference power level indicating that the mobile station has seceded from a selected cell of the mobile communication system;

determining whether the mobile station has been registered in the private radio mobile communication system to facilitate the mobile station to use the private radio communication system when the determined power level of the mobile station is less than the predetermined reference power level;

transmitting information for generating an alarm on an occurrence of a cell secession to the corresponding mobile station upon a determination that the mobile station has been registered in the private radio mobile communication system; and

handing off the corresponding mobile station call to another cell upon a determination that the mobile station has not been registered in the private radio mobile communication system.

Applicant respectfully traverses this rejection for the following reasons.

PATENT  
P56258

First, respectfully, in section 2 on page 9 of the Office action, the Examiner alleges that “When the mobile station (10) connects with the cellular system, the mobile station (10) is not registered (or connected) with the private base station.” In Applicant’s pending claim 28, a call will hand off to another cell when the mobile station is not registered in the private radio mobile communication system. On the contrary, based on Buttitta ‘166, a call will hand off to another cell when the mobile station is registered in the private radio mobile communication system. Buttitta ‘166 discloses no mention of Applicant’s “the mobile station is not registered with the private base station”. In addition, Bartle ‘655 and Khan ‘760 disclose no mention of Applicant’s “the mobile station is not registered with the private base station”. Therefore, the combination of Buttitta ‘166 and Bartle ‘655 and Khan ‘760 disclose no mention of Applicant’s “the mobile station is not registered with the private base station”.

Secondly, respectfully, the Examiner confuses Applicant’s handoff with reference’s handoff. In Applicant’s pending claim 28, a handoff occur when the mobile station is not registered with the private base station. Based on Buttitta ‘166’s FIG. 2, a handoff occur when the PBS(Private Base Station) detects low signal strength from the MS(Mobile Station). In addition, based on Bartle ‘655’s FIG. 2, a handoff occur when the received signal strength indication has fallen below the predefined low received signal strength indication. Besides, Khan ‘760 disclose no mention of handoff.

Thirdly, respectfully, the Examiner confuses Applicant’s private/public radio mobile communication system with Buttitta ‘166’s private wireless system. In Applicant’s specification, if a mobile station is registered in the private/public radio mobile communication system, the mobile station can receive not only the public mobile communication service but also the private mobile communication service. If a mobile station is not registered in the private/public radio mobile communication system, the mobile station can receive only the private wireless system. Based on Buttitta ‘166, a mobile

PATENT  
P56258

station is registered in the private wireless system, the mobile station can receive only the private wireless system. More specifically, Buttitta '166's mobile station can not receive both private wireless service and public wireless service. In addition, Bartle '655 and Khan '760 disclose no mention of Applicant's private/public radio mobile communication system. Therefore, the combination of Buttitta '166 and Bartle '655 and Khan '760 disclose no mention of Applicant's private/public radio mobile communication system. As said in Applicant's specification, see line 4-6, page 16:

"Moreover, if a mobile station, such as the MS 24, is registered in the public/private communication service unit 12 to receive the private mobile communication service, the MS 24 can receive not only the public mobile communication service but also the private mobile communication service, as well. However, if a mobile station, such as the MS 24, is not registered in the public/private communication service unit 12, the MS 24 can receive only the public mobile communication service."

According to the Manual of Patent Examining Procedure (MPEP) §2131,

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In summary, Buttitta '166, Bartle '655' BTS and Khan '760 fail to teach or suggest Applicant's "handing off the corresponding mobile station call to another cell upon a determination that the mobile station is not registered in the private radio mobile communication system" and "private/public radio mobile communication system" in claim 28. Therefore, Buttitta '166, Bartle '655' BTS and Khan '760 fail to teach or suggest all of the element as set forth in claim 28. Consequently, Applicant submits that claim 28 is patentably distinguishable over the prior art. The Examiner is respectfully urged to reconsider, and to withdraw this rejection.

PATENT  
P56258**Rejection of Claims under 35 U.S.C. §102**

1. **Rejection of Claims 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Buttitta et al. (hereinafter Buttitta) (US 5,913,166) in view of Khau et al. (hereinafter Khan) (US 5,926,760).**

Claims 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Buttitta et al. (hereinafter Buttitta) (US 5,913,166) in view of Khau et al. (hereinafter Khan) (US 5,926,760).

In support of this rejection, Paper No. 011 wrote:

“ Regarding **claim 30**, Buttitta discloses a method and an apparatus comprising:

a base station of the mobile communication system adapted to receive power-related information transmitted from a mobile station during a call, the mobile station being located within a common cell area of a public and private radio mobile communication system, the power-related information being related to a received power level of the base station at the mobile station and being generated and transmitted from the mobile station to the base station (see col. 7, lines 15-18,25-34,42-44; Fig. 1);

an analyzer adapted to analyze the received power-related information to determine when a power level of the mobile station decreases below a predetermined reference power level indicating that the mobile station has seceded from a selected cell of the mobile to communication system (see col. 7, lines 15-18,42-44);

the analyzer also adapted to determine whether the mobile station has been registered in the private radio mobile communication system to facilitate the mobile station to use the private radio communication system upon a determination that a power level of the mobile station is less than a predetermined reference power level (see col. 4, lines 22-31; col. 7, lines 15-18,42-44);

a transmitter adapted to transmit cell secession alarm information for generating an alarm on an occurrence of a cell secession to the corresponding mobile station upon a determination that the mobile station has been registered in the private radio mobile communication system (see col. 4, lines 22-31; col. 7, lines 12-23,42-44), where the mobile station is able to communicate with the private base station and the public base station in which the mobile station is able to roam (or hand-off) between the private and public systems (see col. 3, lines 32-43); and

PATENT  
P56258

the base station handing off the corresponding mobile station call to another cell upon a determination that the mobile station has not been registered in the private radio mobile communication system (see col. 7, lines 12-23,25-34,42-44), where the private base station (20) sends the warning tone to a registered (or connected) mobile station (10). When the mobile station (10) connects with the cellular system, the mobile station (10) is not registered (or connected) with the private base station. Remote party (mobile station - not shown) is located in the cellular system (see col. 4, lines 1-10). Buttitta inexplicitly discloses the feature(s) mobile station has not been registered in the private radio mobile communication system. However, the examiner maintains that the feature(s) mobile station has not been registered in the private radio mobile communication system was well known in the art, as taught by Khan.

As further support in the same field of endeavor, Khan at the least discloses the feature(s) mobile station has not been registered in the private radio mobile communication system (see col. 7, lines 48-54). As a note, Khan further discloses the feature(s) mobile station has been registered in the private wireless service system (see col. 7, lines 48-54,58- 60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Buttitta with Khan to have the feature(s) mobile station has not been registered in the private radio mobile communication system, in order to have a system in which a private base station supports registering of multiple mobile stations, as taught by Khan (see col. 7, lines 48-52)."

### **Claim 30**

Applicant's claim 30, however, defines a method in terms of:

- receiving power-related information transmitted from the mobile station during a call and detecting information about the frame quality from the received information;

- comparing the frame quality information with a power control parameter value of the system;

- determining whether the mobile station has been registered in the private wireless communication service system to facilitate the mobile station to use the private radio communication system upon a determination that a power level of the mobile station is less than a predetermined reference power level;

- transmitting information for generating an alarm on an

PATENT  
P56258

occurrence of a cell secession to the corresponding mobile station upon a determination that the mobile station has been registered in the private radio mobile communication system; and  
handing off the corresponding mobile station call to another cell upon a determination that the mobile station has not been registered in the private radio mobile communication system.

Applicant respectfully traverses this rejection for the following reasons.

First, respectfully, in section 2 on page 13 of the Office action, the Examiner alleges that “When the mobile station (10) connects with the cellular system, the mobile station (10) is not registered (or connected) with the private base station.” In Applicant’s pending claim 30, a call will hand off to another cell when the mobile station is not registered in the private radio mobile communication system. On the contrary, based on Buttitta ‘166, a call will hand off to another cell when the mobile station is registered in the private radio mobile communication system. Buttitta ‘166 discloses no mention of Applicant’s “the mobile station is not registered with the private base station”. In addition, Bartle ‘655 and Khan ‘760 disclose no mention of Applicant’s “the mobile station is not registered with the private base station”. Therefore, the combination of Buttitta ‘166 and Bartle ‘655 and Khan ‘760 disclose no mention of Applicant’s “the mobile station is not registered with the private base station”.

Secondly, respectfully, the Examiner confuses Applicant’s handoff with reference’s handoff. In Applicant’s pending claim 30, a handoff occur when the mobile station is not registered with the private base station. Based on Buttitta ‘166’s FIG. 2, a handoff occur when the PBS(Private Base Station) detects low signal strength from the MS(Mobile Station). In addition, based on Bartle ‘655’s FIG. 2, a handoff occur when the received signal strength indication has fallen below the predefined low received signal strength indication. Besides, Khan ‘760 disclose no mention of handoff.

Thirdly, respectfully, the Examiner confuses Applicant’s private/public radio mobile



PATENT  
P56258

communication system with Buttitta '166's private wireless system. In Applicant's specification, if a mobile station is registered in the private/public radio mobile communication system, the mobile station can receive not only the public mobile communication service but also the private mobile communication service. If a mobile station is not registered in the private/public radio mobile communication system, the mobile station can receive only the private wireless system. Based on Buttitta '166, a mobile station is registered in the private wireless system, the mobile station can receive only the private wireless system. More specifically, Buttitta '166's mobile station can not receive both private wireless service and public wireless service. In addition, Bartle '655 and Khan '760 disclose no mention of Applicant's private/public radio mobile communication system. Therefore, the combination of Buttitta '166 and Bartle '655 and Khan '760 disclose no mention of Applicant's private/public radio mobile communication system. As said in Applicant's specification, see line 4-6, page 16:

"Moreover, if a mobile station, such as the MS 24, is registered in the public/private communication service unit 12 to receive the private mobile communication service, the MS 24 can receive not only the public mobile communication service but also the private mobile communication service, as well. However, if a mobile station, such as the MS 24, is not registered in the public/private communication service unit 12, the MS 24 can receive only the public mobile communication service."

According to the Manual of Patent Examining Procedure (MPEP) §2131,

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In summary, Buttitta '166, Bartle '655' BTS and Khan '760 fail to teach or suggest Applicant's "handing off the corresponding mobile station call to another cell upon a determination that the mobile station is not registered in the private radio mobile communication system" and "private/public radio mobile communication system" in claim

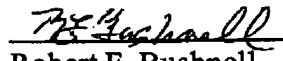
PATENT  
P56258

30. Therefore, Buttitta '166, Bartle '655' BTS and Khan '760 fail to teach or suggest all of the element as set forth in claim 30. Consequently, Applicant submits that claim 30 is patentably distinguishable over the prior art. The Examiner is respectfully urged to reconsider, and to withdraw this rejection.

No other issues remaining, reconsideration and favorable action upon all the claims now present in the application is respectfully requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's undersigned attorney.

No fee is incurred by this Response.

Respectfully submitted,

  
Robert E. Bushnell,  
Attorney for the Applicant  
Registration No.: 27,774

1522 "K" Street N.W., Suite 300  
Washington, D.C. 20005  
(202) 408-9040

Folio: P56258  
Date: 10/2/08  
I.D.: REB/SW